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Remarks

Claims 20-35 are pending in the application. The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 102 and § 103

I. Claims 20 - 35 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent No. 2001-478 ("JP '478") and/or under 35 U.S.C. § 103(a) as being unpatentable over JP '478 in view of U.S. Patent No. 5,622,581 to Ducker et al. ("Ducker") and/or under 35 U.S.C. § 103(a) as being unpatentable over JP 478 in view of Ducker and further in view of U.S. Patent No. 6,368,409 to Borsuk et al. ("Borsuk"). It is respectfully submitted that JP '478 does not qualify as prior art, however.

The present application has an effective filing date of August 4, 2000 (based on JP 2000-237455). The JP '478 reference was published on September 1, 2001 and claims the benefit of an international application published on December 21, 2000. Therefore, JP '478 does not qualify as prior art under 35 U.S.C. § 102(a) and the rejections should be withdrawn. Submitted concurrently herewith is a verified translation of JP 2000-237455 upon which the present application claims priority.

II. Claims 20-29 and 30-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2000-26015 ("JP '015") in view of Ducker and any one of U.S. Patent Nos. 5,133,707 to Rogers et al. ("Rogers"); 5,618,280 to Glackin et al. ("Glackin") or 5,944,707 to Ronn ("Ronn") or as being unpatentable over JP '015 in view of Ducker and any one of Rogers or Glackin or Ronn; or alternatively under 35 U.S.C. § 103(a) as being unpatentable over JP '015 in view of any one of Rogers, Glackin or Ronn further in view of Borsuk.

Claims 20-23 recite a method for manufacturing a disposable worn article. This method is comprised of three steps. The first step involves the application of an adhesive on at least one of a first web and a second web. The second step includes sandwiching and combining an elastic member between the first and second webs. The third step recites the weakening, melting or cutting of a portion of at least one of

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the first and second webs and a portion of the elastic member. In addition, at least the second web includes an area on which a graphic member is to be adhered.

JP '015 appears to disclose a continuous process of combining an adhesive and an elastic member to a base sheet and then later cutting the elastic member without damaging the base sheet. No teaching or suggestion has been found in JP '015 of providing an area on a second web for the attachment of a graphic.

Glackin discloses a diaper having a reinforcing strip 128 to which tabs 37 can be attached. The reinforcing strip can include indicia 150 to aid the diaperer in securing the tabs to the reinforcing strip, but no teaching or suggestion has been found regarding elastic members relative to the reinforcing strip or how it would relate to JP '015. (See Glackin, col. 13, lines 23-45).

Ronn does not appear to disclose any more than Glackin. Ronn discloses an absorbent article with an adjustment system to provide a better fit. It does not, however, appear to teach or suggest the creation of an area with decreased elastic force for the attachment of a graphic. Ronn discloses a reinforcing strip 128 with indicia 145. No elastic is shown around the landing strip 41.

Rogers discloses a composite adhesive fastening tape and related system. While indicia 6 are shown on a landing area 4 for receipt of a fastening tape 2 (Fig. 1, 2), there is no mention of modifying the article in the vicinity of the printed landing area 4 to prevent the distortion of the indicia 6.

A person of ordinary skill in the art would not have found it obvious to combine the references in the manner proposed by the Examiner. None of the references teach or suggest having an area with reduced elastic force or the step of reducing the elastic force in the vicinity of a graphic to prevent the distortion of a graphic. Consequently, nothing has been found in the applied references that teaches or suggests the claimed method. Moreover, no teaching or suggestion has been found that would motivate the skilled person to combine the teachings of all of these references. Accordingly, the rejections should be withdrawn.

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III. Claims 30-32 recite a method for manufacturing a disposable worn article wherein a first charge is applied to an area of at least one of the first and second webs where the adhesive is to be applied, and a second charge is applied to the adhesive prior to application. Only Borsuk appears to disclose the use of an electrostatic adhesive dispensing system, but Borsuk does not cure the other deficiencies in the proposed combination.

Withdrawal of the rejection is requested.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMITTAL

[x] I hereby certify that this paper, and any documents referred to as attached or enclosed, is being facsimile transmitted to the Patent and Trademark Office (fax no. 571-273-8300) on the date shown below.

Date: December 29, 2005

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